

Stephen Escondon Medina
CDC# E-63667
P.O. Box 5002
Calipatria State Prison
Calipatria, CA 92233

Incarcerated Prisoner
Proceeding In Pro Per

NUNC PRO TUNC

AUG 29 2008

FILED

2008 SEP -4 AM 10: 57

CLERK US DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

BY *RM* DEPUTY

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF CALIFORNIA

STEPHEN ESCONDON MEDINA,)
Plaintiff,)
v.)
CORRECTIONAL OFFICER,)
R. HUESO, et al.,)
Defendants.)

CASE NO.: 08-CV-0896 JLS RBB

NOTICE OF MOTION AND PLAINTIFF'S
MOTION TO OPPOSE DISMISSAL

Hearing: September 15, 2008
Time: 10:00 a.m.
Courtroom: B
Judge: The Honorable Ruben
B. Brooks

[No Oral Argument Requested]

TO DEFENDANTS AND THEIR ATTORNEYS OF RECORD:

PLEASE TAKE NOTICE that Plaintiff Stephen Escondon Medina moves to oppose dismissal of the complaint filed against him by Defendant R. Hueso. No oral argument is requested.

Plaintiff moves to oppose dismissal of his complaint on the ground that Plaintiff has exhausted administrative remedies in accordance with 42 U.S.C. §1997(e), the Prison Litigation Reform Act.

This motion is based upon this notice of motion, the memorandum of points and authorities, the declaration of Plaintiff, and the complete record and file in this matter.

Dated: 8-25-08

Stephen Medina

STEPHEN ESCONDON MEDINA
PLAINTIFF/MOVANT
INCARCERATED PRISONER
PROCEEDING IN PRO PER

Medina v. Hueso, et al., Case no: 08-CV-0896 JLS RBB**VERIFICATION**STATE OF CALIFORNIA
COUNTY OF IMPERIAL

I, Stephen E. Medina (C.C.P. SEC. 446 & 2015.5: 28 U.S.C. 1746) DECLARE UNDER PENALTY OF PERJURY THAT: I AM THE Plaintiff IN THE ABOVE ENTITLED ACTION. I HAVE READ THE FOREGOING DOCUMENTS AND KNOW THE CONTENTS THEREOF AND THE SAME IS TRUE OF MY OWN KNOWLEDGE EXCEPT AS TO MATTERS STATED THEREIN UPON INFORMATION, AND BELIEF, AND AS TO THOSE MATTERS, I BELIEVE THEM TO BE TRUE.

EXECUTED THIS 25 DAY OF August 2008 AT
CALIPATRIA STATE PRISON, CALIPATRIA CALIFORNIA 92233-5002

(SIGNATURE)

Stephen Medina
DECLARANT/PRISONER**PROOF OF SERVICE BY MAIL**

I, Stephen E. Medina (C.C.P. SEC. 1013 (a) & 2015.5 28 U.S.C. 1746) AM A RESIDENT OF CALIPATRIA STATE PRISON, IN THE COUNTY OF IMPERIAL, STATE OF CALIFORNIA, I AM OVER THE AGE OF EIGHTEEN (18) YEARS OF AGE AND AM / AM NOT A PARTY OF THE ABOVE ENTITLED ACTION. MY STATE PRISON ADDRESS IS P.O. BOX 5002, CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002.

ON August 25 2008 IS SERVED THE FOREGOING:

Notice of Motion and Plaintiff's Motion to oppose Dismissal

SET FORTH EXACT TITLE OF DOCUMENTS SERVED

ON THE PARTY(S) HEREIN BY PLACING A TRUE COPY(S) THEREOF, ENCLOSED IN A SEALED ENVELOPE(S) WITH POSTAGE THEREON FULLY PAID, IN THE UNITED STATES MAIL, IN A DEPOSIT BOX SO PROVIDED AT CALIPATRIA STATE PRISON, CALIPATRIA, CALIFORNIA 92233-5002.

Tiffany R. Hixson
Deputy Attorney General
110 W. A Street, Suite 1100
San Diego, CA 92101
(attorney for Defendant R. Hueso)

THERE IS DELIVERY SERVICE BY UNITED STATES MAIL AT THE PLACE SO ADDRESSED, AND THERE IS REGULAR COMMUNICATION BY MAIL BETWEEN THE PLACE OF MAILING AND THE PLACE SO ADDRESSED. I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING IS TRUE AND CORRECT.

DATE August 25, 2008

STEPHEN E. MEDINA
(DECLARANT / PRISONER)